

(67)

3-21-02

SC

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TYRONE P. JAMES,
Plaintiff
v.

1:CV-01-⁶⁰~~01~~15

YORK COUNTY POLICE DEPARTMENT,
AGENT JAMES H. MORGAN, DETECTIVE
RICHARD PEDDICORD, DETECTIVE
RAYMOND E. CRAUL, SERGEANT GENE
FELLS, DETECTIVE KESSLER,
CORRECTION OFFICER BAYLARK, and
YORK COUNTY PRISON,
Defendants

(KANE, J.)

**FILED
HARRISBURG**

MAR 20 2002

MARY E. D'ANDREA, CLERK

Per 
DEPUTY CLERK

EXHIBITS TO REPLY BRIEF
OF CORRECTION OFFICER BAYLARK
AND YORK COUNTY PRISON

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TYRONE P. JAMES, : 1:CV-01-0115
Plaintiff :
v. :
YORK COUNTY POLICE DEPARTMENT, : (KANE, J.)
AGENT JAMES H. MORGAN, DETECTIVE :
RICHARD PEDDICORD, DETECTIVE :
RAYMOND E. CRAUL, SERGEANT GENE :
FELLS, DETECTIVE KESSLER, :
CORRECTION OFFICER BAYLARK, and :
YORK COUNTY PRISON, :
Defendants :

AFFIDAVIT OF ANDREW KREPPS

Andrew Krepps, being duly sworn, deposes and says:

My name is Andrew Krepps. I am a counselor at the York County Prison. I was serving in that capacity on January 11, 2001. This affidavit is based upon my personal knowledge and information. I am competent to testify and would state as follows, if called as a witness at trial:

1.

I am a counselor at the York County Prison and was serving in that capacity during the entire time that Tyrone P. James was confined in the York County Prison. I continue to be a counselor through the present time.

2.

On January 11, 2001, as part of my duties as a counselor at the York County Prison, I interviewed inmate Tyrone P. James. During that interview, among other things discussed, I explained the inmate grievance system and gave the inmate an information package that included the document which is attached as Exhibit "A."

3.

This inmate handout included a description of the administrative system that is in place at the York County Prison. This system allows inmates who have complaints or grievances, to bring them to the attention of the authorities, and if their complaints are legitimate, to have them adequately and appropriately addressed.

4.

I am aware that inmate James has indicated that he did not know or understand of the administrative system when he filed his Federal complaint in June of 2001. Inmate James' allegation is not consistent with the information that he received during the time of my interview with him on January 11, 2001.

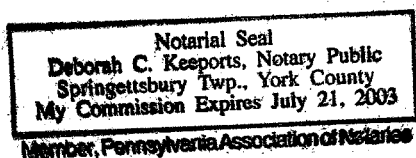
Denise L. Koller
Witness

Andrew Krepps
Andrew Krepps
Counselor, York County Prison

Sworn or affirmed to and subscribed
to before me, this 19th day of
March, 2002

Deborah C. Keeport
Notary Public

MY COMMISSION EXPIRES:



IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TYRONE P. JAMES,	:	1:CV-01-0115
Plaintiff	:	
v.	:	
	:	
YORK COUNTY POLICE DEPARTMENT,	:	(KANE, J.)
AGENT JAMES H. MORGAN, DETECTIVE	:	
RICHARD PEDDICORD, DETECTIVE	:	
RAYMOND E. CRAUL, SERGEANT GENE	:	
FELLS, DETECTIVE KESSLER,	:	
CORRECTION OFFICER BAYLARK, and	:	
YORK COUNTY PRISON,	:	
Defendants	:	

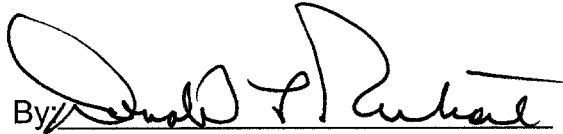
CERTIFICATE OF SERVICE

I, Donald L. Reihart, Esquire, Assistant Solicitor for York County, hereby certify that a true and correct copy of the foregoing Affidavit of Andrew Krepps, was caused to be served on the date shown below by depositing same in the United States mail, first-class, postage prepaid thereon, addressed as follows:

Tyrone P. James
Inmate No. 62154
York County Prison
3400 Concord Road
York, PA 17402

Assistant U.S. Attorney
228 Walnut Street, Suite 220
P.O. Box 11754
Harrisburg, PA 17108

Respectfully submitted,

By: 

Donald L. Reihart, Esquire
Sup. Ct. I.D. #07421
2600 Eastern Boulevard
Suite 204
York, PA 17402-2904
Telephone (717) 755-2799

Date: 3-19-02

Assistant Solicitor for York County

YORK COUNTY PRISON
INMATE INFORMATION SHEET

You have arrived at:

YORK COUNTY PRISON
3400 CONCORD ROAD
YORK, PA 17402

Your family and friends may write to you at this address. If there is an emergency within your family, they may call: (Area Code) 717 840-7580. This is an **EMERGENCY** number **ONLY!** When the operator answers, they should give your name, and a number where you may call them back **COLLECT**. This information **MUST** be given in English.

We do not know how long you will be here. Very likely, you do not know exactly either. You may be with us for a long or a short period of time. No member of the Prison Staff had anything to do with your being detained in this facility. Until legally discharged, it is our job to see to the security and orderliness of all within this facility, in accordance with the rules of this Institution and the laws of our state and country.

(DIRECTIONS) Our Prison is located approximately 3 miles East of the intersection of Interstate 83 and Route 30 in York, PA (South Central PA). Take the Mt. Zion Exit (Rt. 24), turn South to the first signal light, then turn East on to Concord Road. The Prison will be on the Right.

(RULES) Simple, "3" basic rules sum up the Fundamentals of Behavior during your detainment at this facility.

(1) **NO ESCAPE** - Escape or the attempt to escape, is a felony!

(2) **NO CONTRABAND** - This means you should not have anything in your possession that may be a Security risk. You are not allowed to have any Drugs, Weapons, or things made of glass or metal. When in doubt, ask a Corrections Officer.

(3) **NO DISORDER** - (a) You are responsible to get along with the other inmates regardless of: Nationality, Race, Color, Religion, Political or Philosophical background. Differences **MUST** be set aside, in order for all of us to get along during this difficult time in your life. (b) You are also responsible to get along with the Corrections Officers and Staff. When a Corrections Officer asks you to do something, do it as quickly as you can, to the best of your ability. If you do not understand what he has asked you to do, quickly let the Officer know, so that he does not think you are simply disobeying.

****Several special things NOT TO DO!!**

(1) **DO NOT** hold the doors while they are opening or closing!!

(2) **DO NOT** play around--NO HORSEPLAY!!

(3) **DO NOT** sit on rails or tables!!

(4) **DO NOT** smoke outside your pod!!

(5) **DO NOT** gamble, loan or borrow!!

(SCHEDULE) Your day will begin with "wake-up" call at 7:00am. Breakfast is at 8:00am, lunch is at 12:00n and supper is at 5:30pm. At the "Prepare. . . ." call, all inmates are to

EXHIBIT "A"

non-prescription medications (for minor colds, flu, and headaches), personal items, snacks, and tobacco products. The "canteen" is available on a once-a-week rotation basis. If you are housed in:

<u>Block</u>	<u>Order by:</u>	<u>Receive by:</u>
North, New North	Sunday AM	Wednesday
South, New South	Monday AM	Thursday
Fem., Segs, BAUs, Med, PC	Tuesday	Friday
East, Gym	Thursday	Tuesday

* **Please note:** We are NOT responsible for "missing" canteen items that are not reported at the time the canteen is given to you!! Also, those with "no money" on the books, and have received "less than \$5.00" in the past month, may submit a "request slip", to their Counselor, the last week of the month for a new cosmetic package.

TO HAVE MONEY PLACED ON YOUR ACCOUNT, cash money may be left by your visitors at the Business Office or left with the Visiting Officer at the Visiting Desk, or "Postal Money Orders" may be sent in the mail. **We DO NOT accept "personal" checks.**

IF YOU DO NOT HAVE MONEY ON YOUR ACCOUNT, you may receive: (1) a box of "TOPS" tobacco by asking your Block Officer to place your name on the "TOPS List" by Thursday evening, or (2) an envelope and paper, (giving you one "free" letter per week by placing an "N.F." in the upper right corner of the envelope), by submitting a "request slip" to your Counselor by Thursday evening, or (3) a replacement cosmetic package, if you have "no money" on the books, and have received "less than \$5.00" in the past month, by submitting a "request slip" to your Counselor, by the last week of the month. **BUT REMEMBER:** You must not have any money on your Account!! It will be checked!

(Chaplaincy Services) A full-time and two part-time Chaplains, as well as, many volunteers, supply Religious Services representing different Religions and their major denominations. Bibles, New Testaments, Bibles Lessons, and Counseling are all available through the Chaplain's Office.

*Your Spiritual Advisor may visit you when cleared by contacting the Chaplain's Office and setting up the first appointment. Have them call the Prison number, (717) 840-7580, and ask for the Chaplain's Office, or call the Chaplain directly at (717) 840-7581.

(Education) Part-time Teachers and Volunteer Teachers, as well as Counselling Staff make available: G.E.D.(General Education Diploma) and E.S.L. (English as a Second Language) Classes and testing, as well as, Work Skills, Coping Skills and other challenging programs throughout the yearly schedule.

(Legal Services) If you need an Attorney and are UNABLE to afford one and your case is with York County, you may apply for a Public Defender. Public Defender Applications Forms are available from your Counselor. **Note:** This Institution has no control over the time when the Public Defenders visit the prison. A representative of their office will come to the prison and call you to the Attorney/Client rooms at their convenience.

authorize the opening of your mail, it will be held undelivered until the date of your discharge. Legal and Official mail will be opened in your presence. If pictures are sent in the mail, you are only permitted to have "5" picture in your possession.

****Please Note:** "... any mail that is opened for inspection and contains unauthorized items of any kind, it is to be stapled shut and the unauthorized items are to be noted on the envelope, and the envelope is to be stamped with our stamp and sent to the front office. The mail will then be placed in another envelope and returned to the sender. The cost of the postage and envelope will be deducted from the inmate's account. If we continue to receive mail and there is no money in the account to return it, we will simply return all mail unopened until the account is paid." We hold back no mail and are not responsible for mail sent to you which we have not received from the Postal Service.

(Medical, Dental, and Psychological Services) We are interested in your physical, emotional and psychological welfare. Doctors, Nurses, and a Mental Health Professional are available to help you work through any serious physical and/or emotional difficulties. If you are ill and need to see one of our Health Professionals, ask your Block Officer for a Medical Request Form and fill it out in "English" if possible. If you can not fill it out in English, fill it out in your language and we will try to have it translated.

Medications for the more common, everyday physical and medical problems such as: Headaches, Colds, and the like may be purchased through the canteen. In order to limit the number of unnecessary sick calls, the inmate will be charged: \$3.00 to see the Nurse and an additional \$2.00 if Referred to the doctor; \$5.00 to see the Doctor and the Dentist. However, NO ONE WILL BE DENIED MEDICAL ATTENTION BECAUSE OF AN INABILITY TO PAY. If you really need medical attention DO NOT PUT IT OFF! Make your request known! For Emergency Care, pre-existing conditions, and call backs, there will be NO CHARGE.

(MINIMUM SECURITY/ WORK RELEASE) MINIMUM SECURITY: If you are fully sentenced on ALL charges and have 90 days or less to serve, you may be eligible to be housed in Minimum Security. To apply you must submit a request form to your Counselor. It will then be determined if you are eligible and you will receive an answer back form your Counselor. Please remember a few key points: (1) You MUST be fully sentenced (including unpaid fines). (2) You MUST NOT have received a write-up in the past 30 days and have an overall good behavior record. (3) You will be EXPECTED to perform duties while in Minimum and failure to do so WILL result in removal! (4) There are many requests, but only 20-30 openings. Patience is essential!

When in Minimum, you will you will be given many privileges not available on the blocks. You will be allowed to wear your own clothing. You will carry your own money which will be your responsibility. There is increased recreational time available. Most all of the Prison programs are available - AA, NA, Church etc.

WORK RELEASE : The Work Release outmates are housed with the Minimum Security inmates but work outside the facility. The program was created for those inmates who were working at the time of their charges. There are a few key points to remember to be placed on the Work Release Program. (1) You MUST be fully sentenced. (2) The Judge MUST approve you for the program. He has the final say! (3) You will be expected to secure you own employment and reliable transportation. (Buses and taxis excluded) (4) While on the Work

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YORK COUNTY POLICE DEPARTMENT,	:	(KANE, J.)
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RICHARD PEDDICORD, DETECTIVE	:	
RAYMOND E. CRAUL, SERGEANT GENE	:	
FELLS, DETECTIVE KESSLER,	:	
CORRECTION OFFICER BAYLARK, and	:	
YORK COUNTY PRISON,	:	
Defendants	:	

AFFIDAVIT OF DEPUTY WARDEN ROGER THOMAS

Deputy Warden Roger Thomas, being duly sworn, deposes and says:

My name is Roger Thomas. I am a Deputy Warden at the York County Prison. In December 1999, and up to the present time, I have served as Deputy Warden for the York County Prison. This affidavit is based upon my personal knowledge and information. I am competent to testify and would state as follows, if called as a witness at trial:

1.

I am a Deputy Warden at the York County Prison and was serving in that capacity during the entire time inmate Tyrone P. James was confined in the York County Prison. I continued to be Deputy Warden through the present time.

2.

On or before December, 1999, and up to the present time, the York County Prison

had a grievance system in effect. A copy of the grievance system was appended to an Affidavit as Exhibit 1, which is dated February 20, 2002, and previously submitted to the Court.

3.

I am custodian of all of the grievances filed by inmates at the York County Prison.

4.

During his incarceration, while inmate James filed no grievances concerning being denied phone privileges or being placed in the BAU, and was aware of the existence of the grievance system.

5.

Tyrone P. James filed a grievance on March 29, 2001, involving the law library. He also filed a grievance concerning mail on April 19, 2001.

6.

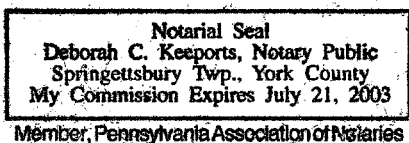
Inmate James's allegation that he was unaware of the administrative system in effect is simply not true.

Denise L. Koller
Witness

Roger A. Thomas
Deputy Warden Roger Thomas

Sworn or affirmed to and subscribed
to before me, this 18th day of
March 2002

Deborah C. Keepert
Notary Public
My commission expires:



IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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	:	
Plaintiff	:	
	:	
v.	:	
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RICHARD PEDDICORD, DETECTIVE	:	
RAYMOND E. CRAUL, SERGEANT GENE	:	
FELLS, DETECTIVE KESSLER,	:	
CORRECTION OFFICER BAYLARK, and	:	
YORK COUNTY PRISON, Defendants	:	

CERTIFICATE OF SERVICE

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Tyrone P. James, Inmate No. 62154
York County Prison
3400 Concord Road
York, PA 17402

Assistant U.S. Attorney
228 Walnut Street, Suite 220
P.O. Box 11754
Harrisburg, PA 17108

Respectfully submitted,

By: 

Donald L. Reihart, Esq.
Sup. Ct. I.D. #07421
2600 Eastern Boulevard, Suite 204
York, PA 17402-2904
Telephone (717) 755-2799
Assistant Solicitor for York County

Date: 3/18/02